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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,792	12/09/2003	Roy D. Roberts	6577P001	2745
8791	7590	08/02/2005		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER RAABE, CHRISTOPHER M	
			ART UNIT 2879	PAPER NUMBER

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H:A

Office Action Summary	Application No. 10/732,792	Applicant(s) ROBERTS, ROY D.	
	Examiner Christopher M. Raabe	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) 15-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/26/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims, drawn to a sub-miniature arc lamp, classified in class 313, subclass 558.
 - II. Claims 15-22, drawn to a method of making, classified in class 445, subclass 26.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and 1 are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process, such as a process in which an anode is mounted in a base and a cathode is mounted in a top.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Michael J Mallie on July 28, 2005 a provisional election was made with traverse to prosecute the invention of a sub miniature arc lamp, claims

1-14. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 15-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US Patent 3778662).

With regard to claim 1,

Johnson discloses a sub-miniature arc lamp comprising: a sapphire body having a first end and a second end (column3, lines 7-15 and the figure), the first end being coupled to a first cap and the second end being coupled to a second cap to define a sealed envelope (18 of the figure), wherein a first electrode being mounted in the first cap and a second electrode being mounted in the second cap are enclosed within the envelope (19 of the figure).

With regard to claim 6,

Johnson discloses the sub-miniature arc lamp, further comprising an airtight housing substantially surrounding the sapphire body (11 of the figure).

With regard to claim 7,

Johnson discloses the sub-miniature arc lamp, wherein the airtight housing contains an inert gas (column 5, lines 25-40).

With regard to claim 8,

Johnson discloses the sub-miniature arc lamp, wherein the sapphire body is a sapphire tube (14 of the figure).

With regard to claim 9,

The sub-miniature arc lamp, wherein the first electrode is an anode and the second electrode is a cathode (column 2, lines 25-32).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson as applied to claim 1 above, and further in view of Waymouth (US Patent 3728004).

With regard to claim 2,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose getters being mounted along the first electrode.

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Waymouth does disclose getters being mounted along a first electrode (8 of fig 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson in order to remove undesirable gases.

With regard to claim 3,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose the one or more getters including one or more mercury-dispensing getters.

Waymouth does disclose one or more getters including one or more mercury-dispensing getters (column 2, lines 60-65).

Utilizing the reasoning in the rejection of claim 2, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson.

With regard to claim 4,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose getters being mounted along the second electrode.

Waymouth does disclose getters being mounted along a second electrode (8 of fig 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson in order to remove undesirable gases.

With regard to claim 5,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose the one or more getters including one or more mercury-dispensing getters.

Waymouth does disclose one or more getters including one or more mercury-dispensing getters (column 2, lines 60-65).

Utilizing the reasoning in the rejection of claim 4, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson.

9. Claims 10-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (as above), in view of Waymouth (as above).

With regard to claim 10,

Johnson discloses a sub-miniature arc lamp comprising: a sapphire body having a first end and a second end (column 3, lines 7-15 and the figure), the first end being coupled to a first cap and the second end being coupled to a second cap to define a sealed envelope (18 of the figure), wherein a first electrode being mounted in the first cap and a second electrode being mounted in the second cap are enclosed within the envelope (19 of the figure), wherein the sapphire body is substantially surrounded by an airtight housing filled with an inert gas (11 of the figure, and column 5, lines 25-40).

Johnson does not disclose one or more getters being mounted along the first electrode.

Waymouth does disclose one or more getters being mounted along a first electrode.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getters of Waymouth into the sub-miniature arc lamp of Johnson in order to remove undesirable gases.

With regard to claim 11,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose the one or more getters including one or more mercury-dispensing getters.

Waymouth does disclose one or more getters including one or more mercury-dispensing getters (column 2, lines 60-65).

Utilizing the reasoning in the rejection of claim 10, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson.

With regard to claim 12,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose one or more getters being mounted along the second electrode.

Waymouth does disclose one or more getters being mounted along a second electrode (8 of fig 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson in order to remove undesirable gases.

With regard to claim 13,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose the one or more getters including one or more mercury-dispensing getters.

Waymouth does disclose one or more getters including one or more mercury-dispensing getters (column 2, lines 60-65).

Utilizing the reasoning in the rejection of claim 12, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson.

With regard to claim 14,

Johnson discloses the sub-miniature arc lamp, wherein the sapphire body is a sapphire tube (14 of the figure).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 4990828, 6099375, 5903088, 4633128, 4034252, 4107565, 5856726, 2322421.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR


ASHOK PATEL
PRIMARY EXAMINER